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United States of America

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CASE NO. 2:22-CR-00164-DJC

**Plaintiff,**

**STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL  
ACT; ORDER**

JESUS IRIBE,

DATE: July 13, 2023

V.

TIME: 9:00 a.m.

COURT: Hon. D

COURT: Hon. Daniel J. Calabretta

## STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on July 13, 2023.

2. By this stipulation, defendant now moves to continue the status conference until September 28, 2023, at 9:00 a.m., and to exclude time between July 13, 2023, and September 28, 2023, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes law enforcement reports and physical evidence. All of this discovery has been either produced directly to counsel and/or made available for

1 inspection and copying.

2 b) Counsel for defendant desires additional time meeting with his client,  
3 review the charges and the discovery, conduct defense investigation, and otherwise  
4 prepare for trial.

5 c) The parties have not yet reached an agreement about whether this  
6 case is going to resolve or proceed to trial so further time is necessary to allow the  
7 parties to explore resolution prior to advising the Court of how the matter should  
8 proceed.

9 d) Counsel for defendant believes that failure to grant the above-  
10 requested continuance would deny him/her the reasonable time necessary for  
11 effective preparation, taking into account the exercise of due diligence.

12 e) The government does not object to the continuance.

13 f) Based on the above-stated findings, the ends of justice served by  
14 continuing the case as requested outweigh the interest of the public and the  
15 defendant in a trial within the original date prescribed by the Speedy Trial Act.

16 g) For the purpose of computing time under the Speedy Trial Act, 18  
17 U.S.C. § 3161, et seq., within which trial must commence, the time period of July  
18 13, 2023 to September 28, 2023, inclusive, is deemed excludable pursuant to 18  
19 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance  
20 granted by the Court at defendant's request on the basis of the Court's finding that  
21 the ends of justice served by taking such action outweigh the best interest of the  
22 public and the defendant in a speedy trial.

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1       4. Nothing in this stipulation and order shall preclude a finding that other  
2 provisions of the Speedy Trial Act dictate that additional time periods are excludable from  
3 the period within which a trial must commence.

4           IT IS SO STIPULATED.

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6       Dated: July 10, 2023

7           PHILLIP A. TALBERT  
United States Attorney

8           \_\_\_\_\_  
9           /s/ JUSTIN L. LEE  
10           JUSTIN L. LEE  
Assistant United States Attorney

11       Dated: July 10, 2023

12           \_\_\_\_\_  
13           /s/ TIM F. TUITAVUKI  
14           TIM F. TUITAVUKI  
Counsel for Defendant  
15           JESUS IRIBE

16           **ORDER**

17       IT IS SO ORDERED this 11<sup>th</sup> day of July, 2023.

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19           \_\_\_\_\_  
20           /s/ Daniel J. Calabretta  
21           THE HONORABLE DANIEL J. CALABRETTA  
22           UNITED STATES DISTRICT JUDGE